

**FILED**

OCT - 7 2020

GRAYS HARBOR COUNTY WA  
KYM FOSTER, COUNTY CLERK

IN THE SUPERIOR COURT OF WASHINGTON

IN AND FOR GRAYS HARBOR COUNTY

BARBARA GEORGE and JOHN WHERLEY,  
domestic partners,

Plaintiffs,

v.

TRACTOR SUPPLY COMPANY, a Delaware  
corporation,

Defendant.

NO. 20-2-00465-14

COMPLAINT FOR NEGLIGENCE

Plaintiffs allege:

PARTIES, JURISDICTION AND VENUE

1. Plaintiffs, Barbara George and John Wherley, are residents of Grays Harbor County, Washington.

2. At all times material hereto, Tractor Supply Company ("Tractor Supply") was a foreign Corporation licensed to do business in the State of Washington and doing business in the County of Grays Harbor.

3. All acts and omissions alleged herein occurred in Grays Harbor County, Washington.

CLAIM

4. On or about November 11, 2017 at approximately 12:10 p.m. plaintiffs Barbara George

COMPLAINT FOR NEGLIGENCE -1

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1 and John Wherley, were exiting the Tractor Supply store in Aberdeen, Washington when plaintiff,  
 2 Barbara George suddenly tripped on the threshold strip for the exterior entrance door and fell hard to  
 3 the ground.

4 5. The threshold for the exterior entrance door was installed contrary to the International  
 5 Building Code and created an unsafe condition.

6 6. Defendant knew or should have known that the defective threshold created an unsafe  
 7 condition. Defendant was negligent for not replacing the defective threshold and correcting the unsafe  
 8 condition and failing to warn plaintiff, Barbara George and other customers of the unsafe condition.

9 7. As a direct and proximate result of Defendant's negligence, plaintiff, Barbara George,  
 10 was injured, and suffered damages in a manner and sum to be proven at trial. Said damages include  
 11 past and future medical expenses and other health care expenses, pain and suffering both mental and  
 12 physical, past and future permanent partial disability and past and future special damages.

13 8. As a direct and proximate result of Defendant's negligence, plaintiff, John Wherley, has  
 14 sustained damages for loss of consortium.

#### 15 LIMITED PHYSICIAN/PATIENT WAIVER

16 9. Plaintiff hereby waives the physician-patient privilege ONLY to the extent required by  
 17 RCW 5.60.060, as limited by the plaintiff's constitutional rights of privacy, contractual rights of  
 18 privacy, and the ethical obligation of physicians and attorneys not to engage in ex-parte contact  
 19 between a treating physician and the patient's legal adversaries.

#### 20 PRAYER FOR RELIEF

21 **WHEREFORE**, plaintiffs pray for judgment against the defendant, in an amount that will  
 22 fairly compensate plaintiffs for all damages sustained, including:

- 23 a. Past and future medical expenses and other health care expenses.
- 24 b. Pain and suffering, both mental and physical.
- 25 c. Past and future permanent partial disability.

- d. Loss of enjoyment of life.
- e. Past and future special damages.
- f. Loss of consortium.
- g. Interest calculated at the maximum amount allowable by law, including prejudgment interest.
- h. Attorney's fees and costs.
- i. Any and all other relief the Court deems just and equitable.

DATED at Ocean Shores, Washington, this 7<sup>th</sup> day of October, 2020.

VALDEZ and SAGE, P.S.

By:

  
C. SCOTT SAGE, WSBA #8184  
Attorneys for Plaintiffs

INDIVIDUAL VERIFICATION

We declare under penalty of perjury under the laws of the State of Washington that we have read the foregoing document, know the contents thereof and believe them to be true and correct.

DATED at Ocean Shores, WA this 6<sup>th</sup> day of October, 2020.

  
Barbara George, Plaintiff

  
John Wherley, Plaintiff